

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE  
AT NASHVILLE

Assigned on Briefs September 16, 2008

**STATE OF TENNESSEE v. EDDIE WAYNE PARRISH**

**Direct Appeal from the Criminal Court for Davidson County**  
**No. 2007-B-1749, 2007-C-1884     Steve Dozier, Judge**

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**No. M2007-02730-CCA-R3-CD - Filed December 9, 2008**

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The defendant, Eddie Wayne Parrish, was convicted of one count of aggravated robbery, a Class B felony, and one count of possession of a Schedule II controlled substance with the intent to sell, a Class C felony. While released on bond, the defendant committed aggravated robbery in two neighboring counties. He was convicted and sentenced for those offenses before he received his sentences in the instant case. On appeal, the defendant argues that the trial court erred by ordering that his sentences in the instant case run consecutively to his out-of-county aggravated robbery sentences. Specifically, the defendant argues that the trial court erred by imposing consecutive sentences because he was both a dangerous offender and had an extensive history of criminal behavior as defined by Tennessee Code Annotated section 40-35-115(b). Following our review of the parties' briefs, the record, and the applicable law, we affirm the judgments of the trial court.

**Tenn. R. App. P. 3 Appeal as of Right; Judgments of the Criminal Court Affirmed**

J.C. McLIN, J., delivered the opinion of the court, in which JAMES CURWOOD WITT, JR. and ROBERT W. WEDEMEYER, JJ., joined.

Lonnie E. Maze III., at trial and on appeal, and Jeff Walker, at trial, Nashville, Tennessee, for the appellant, Eddie Wayne Parrish.

Robert E. Cooper, Jr., Attorney General and Reporter; Elizabeth T. Ryan, Assistant Attorney General; Victor S. Johnson III, District Attorney General; and Pamela Anderson, Assistant District Attorney General, for the appellee, State of Tennessee.

**OPINION**

**I. BACKGROUND**

The defendant was convicted of one count of aggravated robbery, a Class B felony, and one count of possession of a Schedule II controlled substance with the intent to sell, a Class C felony. The facts giving rise to the defendant's convictions were recited by the state at the guilty plea hearing as follows:

[O]n November 7th, 2006, Kristen Parrish went with her husband, Eddie Parrish, in a vehicle to the Community Drug Store located at 919 Conference Drive in Goodlettsville, which is here in Davidson County.

. . . [S]he – waited in the vehicle with the knowledge that [her] husband was going to go inside to rob this establishment. While she waited in the car, her husband, Eddie Parrish, went inside and displayed a twenty-five caliber semi-automatic hand gun to the employees inside and demanded pills.

The defendant, Eddie Parrish, went to the rear of the pharmacy and got Oxycontin, Loratabs and Percocet. The defendant, Eddie Parrish, then exited – exited the pharmacy through the rear and went to the get away vehicle wherein Kristen Parrish was waiting, which was parked at a motel nearby.

The defendants . . . were later apprehended and Ms. Kristen Parrish confessed to these matters and admitted she had knowledge [that the defendant] was going to rob the drug store and, also, that she planned to receive proceeds, specifically the pills, from the robbery.

As to . . . case 2007-B-1749, which occurred a couple of days later on November 11th, 2006 in the morning, about eight in the morning, TSU . . . Officer Frank White was on routine patrol at the Williams' downtown campus here in Davidson County when he heard loud voices outside of . . . classroom 290. The voices were those of Eddie Parrish and his wife, Kristen Parrish.

Officer White stopped the subjects in the hallway and asked them to stop yelling. At this point, Eddie Parrish . . . kept speaking in a loud voice. He was . . . asked for his identification which he provided . . . [T]he officer noticed Mr. Parrish push something down in the front of his pants. He took both of the defendants to the front desk to begin his report. While filling out the paper-work, Officer White observed the defendant . . . Eddie Parrish give something to his wife, Kristen Parrish, who then put it in her purse.

Other individuals were in the lobby; so the officer moved into – into a different room. He then asked Ms. Parrish if her husband had passed anything to her. He . . . denies placing anything . . . in her purse and that she would show them. . . . [T]he officer looked in her purse and observed a plastic bag containing a large number of pills, which turned out to be the pills, the Oxycodone as listed in the indictment.

. . . [T]here was – there were six green pills, seven white pills and . . . various amounts of money. Additional money was found on Eddie Parrish.

All this occurred here in Davidson County.

As noted above, the defendant committed the offenses on November 7th and 11th, 2006. Seven days after his arrest, the defendant was released on bond. After his release on bond, the defendant committed aggravated robbery at one pharmacy in Cheatham County and at one pharmacy in Robertson County. From a review of the record, it appears that the defendant received an eight year sentence for each conviction. The two sentences were ordered to run concurrently and the defendant was remanded to the Tennessee Department of Correction. Subsequently, the defendant was indicted for the offenses in the instant case. The defendant pled guilty to both charges on October 11, 2007. A sentencing hearing was held on November 16, 2007. For his aggravated robbery conviction, the defendant received a sentence of eight years as a Range I standard offender. For his conviction for possession of a Schedule II controlled substance with intent to sell, the defendant was sentenced as a Range I standard offender to four years. This sentence was ordered to run concurrently with his aggravated robbery conviction. The trial court ordered that the defendant's concurrent sentences in the instant case run consecutively to the concurrent sentences he received for the aggravated robberies in Cheatham and Robertson counties. The defendant filed a timely notice of appeal.

## II. ANALYSIS

On appeal, the defendant argues that the trial court erred by ordering that his sentences in the instant case run consecutively to his out-of-county aggravated robbery sentences based upon the court's determination that the defendant was a dangerous offender and had a history of extensive criminal activity under Tennessee Code Annotated section 40-35-115(b).

This court's review of a challenged sentence is a de novo review of the record with a presumption that the trial court's determinations are correct. Tenn. Code Ann. § 40-35-401(d). This presumption of correctness is conditioned upon the affirmative showing in the record that the trial court considered the sentencing principles and all relevant facts and circumstances. *State v. Pettus*, 986 S.W.2d 540, 543-44 (Tenn. 1999). However, if the record shows that the trial court failed to consider the sentencing principles and all relevant facts and circumstances, then review of the challenged sentence is purely de novo without the presumption of correctness. *State v. Ashby*, 823 S.W.2d 166, 169 (Tenn. 1991). On appeal, the party challenging the sentence imposed by the trial court has the burden of establishing that the sentence is erroneous. Tenn. Code Ann. § 40-35-401(d), Sentencing Commission Comments. We will uphold the sentence imposed by the trial court if: (1) the sentence complies with our sentencing statutes, and (2) the trial court's findings are adequately supported by the record. *See State v. Arnett*, 49 S.W.3d 250, 257 (Tenn. 2001); *see also* Tenn. Code Ann. § 40-35-210(f).

Our de novo review of the record indicates that the defendant committed two additional aggravated robberies while released on bond for the offenses in the instant case. The defendant was convicted and sentenced for those offenses prior to pleading guilty to the offenses in the instant case. Tennessee Code Annotated section 40-20-111 provides in pertinent part:

(b) In any case in which a defendant commits a felony while the defendant was released on bail in accordance with the provisions of chapter 11, part 1 of this title, and the defendant is convicted of both offenses, the trial judge shall not have discretion as to whether the sentences shall run concurrently or cumulatively, but shall order that the sentences be served cumulatively.

Furthermore, Tennessee Rule of Criminal Procedure 32(c)(3)(C) provides:

Where a defendant is convicted of multiple offenses from one trial or where the defendant has additional sentences not yet fully served as the result of the convictions in the same or other courts and the law requires consecutive sentences, the sentence shall be consecutive whether the judgment explicitly so orders or not. This rule shall apply: . . . to a sentence for a felony where the defendant was released on bail and the defendant is convicted of both offenses. . . .

Both Tennessee Code Annotated section 40-20-111(b) and Rule 32(c)(3)(C) apply to the defendant. The defendant committed the aggravated robberies in Cheatham and Robertson counties while released on bond and prior to receiving his sentences in the instant case, therefore, he was subject to mandatory consecutive sentencing. Furthermore, because these provisions require that the defendant's sentences run consecutively to the sentences already imposed, we need not address the merits of the defendant's argument. We conclude that the defendant is not entitled to relief.

### **CONCLUSION**

For the foregoing reasons, we affirm the judgments of the trial court.

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J.C. McLIN, JUDGE